to be computed from the doing of an act, the day on which the act was done was included, but not where time was computed from a specified day. *Clayton's Case*, 5 Co. Rep. 1. But this arbitrary rule, seemingly existing in *dicta* only, was later abrogated. *Lester* v. *Garland*, 15 Ves. 248, followed in the United States. *Bemis* v. *Leonard*, 118 Mass. 502. But the early rule is not without support here. *Jocque* v. *McRae*, 142 Mich. 370, 105 N. W. 874.

By the weight of authority and on principle there seems no absolute rule of computation. Courts will adopt that construction which will uphold and enforce, rather than destroy *bona fide* transactions. *Taylor* v. *Brown*, 5 Dak. 335, 40 N. W. 525. And the artificial rule established by the early cases seems an attempt to justify logically a ruling necessary to do justice in the particular case, without foundation in reason. *Lester* v. *Garland, supra.*

TRADENAMES AND EMBLEMS—BENEFICIAL ASSOCIATIONS—UNFAIR COMPETITION.—The Order of Owls, a beneficial association, endeavored to restrain the use of the name "Afro-American Order of Owls," by a similar organization. In the same bill an injunction was asked to restrain the defendant from using an emblem or symbol like that of the complainant, with the addition of the two letters "A. A." *Held*, the bill is dismissed so far as the use of the name is concerned, but the use of the symbol or any similar emblem is enjoined. *Afro-American Order of Owls, Baltimore Nest No. 1*, v. *Talbot* (Md.), 91 Atl. 570.

When the use of the name of such an association is enjoined, as being an infringement on the name of another association, the use of the emblem has been heretofore enjoined also as a matter of course. *Benevolent and Protective Order of Elks* v. *Improved Benevolent and Protective Order of Elks*, 60 Misc. Rep. 223, 111 N. Y. Supp. 1067; *Grand Lodge, Knights of Pythias of North and South America* v. *Grand Lodge, Knights of Pythias*, 174 Ala. 395, 56 South 963. This case seems to stand alone in distinguishing one from the other. The symbol is a representation of the name, in descriptive form, and when the evidence adduced shows injury by both name and symbol, to restrain the use of the emblem and not the name, which is the crux of the infringement, seems a contradiction in terms.

Though the names of the associations in the principle case are not identical, confusion could easily arise from their similarity. The characteristic words in the names are "Order of Owls." It is properly held that the use of those salient features is restrained since the names are substantially the same. *Emory* v. *Grand United Order of Odd Fellows*, 140 Ga. 423, 78 S. E. 922; *Benevolent and Protective Order of Elks* v. *Improved Benevolent and Protective Order of Elks*, 122 Tenn. 141, 118 S. W. 389. It is not reasonable to suppose that the second association would adopt a name so similar to that of the first without endeavoring to trade on the first's reputation. Suitable names for societies of this nature are not so rare as to make it necessary to borrow characteristic words from the name of another association. *Knights of Maccabees of the World* v. *Searle*, 75 Neb. 285, 106 N. W. 448.

Beneficial associations have the same right to restrain the use of similar names as have commercial associations where such use is shown to be injurious. *Society of the War of 1812* v. *Society of the War of 1812 of New York*, 46 App. Div. 568, 63 N. Y. Supp. 355; *Daughters of Isabella* v. *National Order of Daughters of Isabella*, 83 Conn. 679, 78 Atl. 333. See *contra*, *Colonial Dames of America* v. *National Society, Dames of America*, 29 Misc. Rep. 10, 60 N. Y. Supp. 302 (affirmed in 173 N. Y. 586, 65 N. E. 1115), where it is attempted to distinguish beneficial and commercial associations in this respect, but the decision seems based in fact on laches and a failure to show injury caused by the use of the name.

Though there is some conflict, the weight of authority is strongly in favor of restraining such infringement of names where harm is caused thereby. *Cape May Yacht Club* v. *Cape May Yacht and Country Club*, 81 N. J. Eq. 454, 86 Atl. 972; *Salvation Army in United States* v. *American Salvation Army*, 135 App. Div. 268, 120 N. Y. Supp. 471; *Grand Lodge, Knights of Pythias of North and South America* v. *Grand Lodge, Knights of Pythias*, *supra*.

WATER AND WATERCOURSES—RIPARIAN OWNERS—INJUNCTION—BALANCE OF INJURY.—The defendants operated a large electric plant, using water power to drive its generators. Their dam had flooded water back over the plaintiff's land, lessening the amount of available power upon the river above it. The land so flooded consisted of barren, perpendicular rock which formed the channel to the stream and furnished a valuable site for a mill, although not put to such use. The invading waters caused no great immediate pecuniary loss to the plaintiffs, while to have lowered the offending dam would have meant a considerable loss to the defendants. An injunction was granted against the defendants, but upon appeal the court decreed a suspension of the judgment until a substantial injury could be proved. Plaintiffs appealed from this decree. *Held*, the decree will not be disturbed. *McCann* v. *Chasm Power Co.* (N. Y.), 105 N. E. 416.

This decision was based upon the ground that the plaintiff's injury was slight, while the granting of the injunction would work disaster to the defendants. This doctrine of the "balance of injury between individuals" is supported by *dicta* in some cases, and was formerly, at least, the law in a few jurisdictions. See *Stock* v. *Jefferson*, 114 Mich. 357, 72 N. W. 132, 38 L. R. A. 355; *Richard's Appeal*, 57 Pa. St. 105, 98 Am. Dec. 202, since overruled in *Evans* v. *Reading, etc., Fertilizing Co.*, 160 Pa. St. 209, 28 Atl. 702. It seems that upon an application for a preliminary injunction, the court may use its discretion and refuse to grant a decree which will work hardship to the defendant when the violation of the plaintiff's right does not work material injury. *Contra* *Costa W. Co.* v. *Oakland*, 165 Fed. 518; and see *Evans* v. *Reading, etc., Fertilizing Co.*, *supra*.

But upon an application for a permanent injunction both reason and authority are *contra* to the instant case. *Wesson Paper Co.* v. *Pope*, 155 Ind. 394, 57 N. E. 719; *Evans* v. *Reading, etc., Fretilizing Co.*, *supra*.